



PERIODIC REVIEW

**Grommons Residence
Facility Site ID#: 14289714**

**14209 SE 14th Street,
Bellevue, Washington**

Northwest Region Office

TOXICS CLEANUP PROGRAM

April 2010

1.0 INTRODUCTION.....	1
2.0 SUMMARY OF SITE CONDITIONS	2
2.1 Site Description and History	2
2.2 Site Investigations and Sample Results	2
2.3 Cleanup Actions	2
2.4 Cleanup Levels.....	3
2.5 Restrictive Covenant.....	3
3.0 PERIODIC REVIEW.....	5
3.1 Effectiveness of completed cleanup actions	5
3.2 New scientific information for individual hazardous substances for mixtures present at the Site	5
3.3 New applicable state and federal laws for hazardous substances present at the Site	5
3.4 Current and projected Site use	6
3.5 Availability and practicability of higher preference technologies	6
3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels	6
4.0 CONCLUSIONS.....	7
4.1 Next Review.....	7
5.0 REFERENCES.....	8
6.0 APPENDICES.....	9
6.1 Vicinity Map	10
6.2 Site Plan	11
6.3 TPH-Dx Concentration Map.....	12
6.4 Environmental Covenant	13
6.5 Photo log	18

1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the Grommons Residence (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in concentrations of petroleum hydrocarbons remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a Site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion;
- (d) and one of the following conditions exists:
 - 1. Institutional controls or financial assurance are required as part of the cleanup
 - 2. Where the cleanup level is based on a practical quantitation limit
 - 3. Where, in the department's judgment, modifications to the default equations or assumptions using Site-specific information would significantly increase the concentration of hazardous substances remaining at the Site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site;
- (b) New scientific information for individual hazardous substances or mixtures present at the Site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected Site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The Department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

2.0 SUMMARY OF SITE CONDITIONS

2.1 Site Description and History

The property is located 14209 SE 14th Street, Bellevue, Washington. This is a residential area. A single 300-gallon steel residential heating oil underground storage tank (UST) was removed from the property by PSCI, Inc. of Seattle, Washington in November 1999. Petroleum impacted soil was visually identified by PSCI following removal of the UST. Budget Tank Removal Services (Budget) of Seattle, Washington was subsequently contracted by the homeowner to remove the impacted soil.

KHM Environmental Management, Inc. (KHM) prepared a final report summarizing closure and removal of the UST and remediation of soil at the property. KHM was contracted to provide technical oversight during the project and to prepare a report summarizing work performed by others for presentation to the Ecology. The KHM report supplements information provided by Budget Tank Removal Services in a report dated September 29, 2000.

2.2 Site Investigations and Sample Results

Laboratory analysis of soil samples collected from the vicinity of the former UST location by Budget (B-1 through B-9) confirmed the presence of total petroleum hydrocarbons in the diesel range (TPH-D) in soil at concentrations exceeding Washington's Model Toxics Control Act (MTCA) Method A Cleanup Levels for soil.

The soil at the Site primarily consisted of small to medium gravels and fine to medium sands.

2.3 Cleanup Actions

Based on analytical data for soil samples collected from the UST excavation on March 14, 2000, Budget began excavation and off-site transport of petroleum hydrocarbon impacted soil. A total of 514.9 tons of soil were transported to the Waste Management Facility and the Rabanco Recycling Company in Seattle for disposal at landfills operated by each of these companies.

Soil samples were collected at the limits of the excavation by Budget throughout the excavation process. A total of 27 excavation soil samples (B-1 through B-27) and 3 stockpile samples (SP-1 through SP-3) were analyzed for TPH-D by Friedman & Bruya, Inc. of Seattle, Washington. Based on the analytical data for soil samples collected at the limits of the excavation, soil containing petroleum hydrocarbons at concentrations exceeding MTCA Method A soil cleanup levels appears to have been removed with the exception of a limited volume of soil beneath the northeastern corner of the building foundation (samples B-5, B-8, B-9, and B-27) and in the northern end of the excavation (samples B-23 and B-26). Access to the residual impacted soil was impractical due to the proximity of the residence foundation.

Analytical data for soil samples collected by Budget indicate that soil containing petroleum hydrocarbons at concentrations exceeding the 3,000 mg/kg cleanup level has been removed from the site with the exception of a limited volume of soil (estimated at less than 10 cubic yards) located beneath the northern and northeastern portions of the building foundation. Groundwater was not encountered at any time during excavation.

Ecology issued a 'No Further Action' letter on June 25, 2002, after the recording of a restrictive covenant.

2.4 Cleanup Levels

MTCA Method A cleanup standards were used to set cleanup levels for the removal of the petroleum contaminated soil that was off the property, and the ecology Interim TPH Policy (Method B) was used to set cleanup levels on the property. Both were used to determine the protection of human health and the environment for the small amount remaining on the property that could not be removed.

Excavation activities were directed at removing soil which contained concentrations of Total Petroleum Hydrocarbons (TPH) exceeding the Model Toxics Control Act's (MTCA) soil cleanup level of 200 milligrams per kilogram (mg/kg) or parts per million (ppm) for Mr. Grommons' eastern neighbor's property. Excavation activities were directed at removing soil which contained concentrations of TPH exceeding 3,000 ppm for Mr. Grommons' property.

2.5 Restrictive Covenant

Based on the residential Site use, surface cover (house), and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 2002 which imposed the following limitations:

Section 1. a. A portion of the Property contains heating oil-contaminated soil located beneath the northeastern corner of the house and beneath the north-central portion of the yard. The Owner shall not alter, modify, or remove the existing structure(s) in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

b. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that is buried beneath clean soil, or creates a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped area include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capacity, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

Section 2. Any activity on the Property that may interfere with the integrity of the house or clean soil located above the contaminated soil and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to humans and/or the environment of contaminated soil that remains on the Property, or creates a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the property shall be consummated by the Owner without adequate and complete provision for continued monitoring (i.e. visual inspection) and maintenance of the house and clean soil located above the contaminated soil.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purposes of evaluating the Remedial Action, taking samples, inspecting remedial actions conducted at the Property, and inspecting records that are related to the Remedial Action.

Section 8. The Owner reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. Such an instrument, however, may be recorded only if Ecology concurs after public notice and opportunity for comment.

The Restrictive Covenant is available as Appendix 6.4.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

Based upon the Site visit conducted on April 28th, 2010, the building at the Site continues to eliminate exposure to contaminated soils by ingestion and contact. It appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is still operating as a residence. A photo log is available as Appendix 6.5.

Soils with TPH concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy (Site structure) prevents human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the contamination remaining is contained and controlled.

3.2 New scientific information for individual hazardous substances for mixtures present at the Site

There is no new scientific information for the contaminants related to the Site.

3.3 New applicable state and federal laws for hazardous substances present at the Site

The cleanup at the Site was governed by Chapter 173-340 WAC (1996 ed.). WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the Site above the new MTCA Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

Analyte	1991 MTCA Method A Soil Cleanup Level (ppm)	2001 MTCA Method A Soil Cleanup Level (ppm)	1991 MTCA Method A Groundwater Cleanup level (ppb)	2001 MTCA Method A Groundwater Cleanup Level (ppb)
Cadmium	2	2	5	5
Lead	250	250	5	15
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH- Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500

NL = None listed

3.4 Current and projected Site use

The Site is currently used for residential purposes. There have been no changes in current or projected future Site or resource uses.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection below selected Site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soils cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the remedy is maintained.

4.1 Next Review

The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

5.0 REFERENCES

Underground Storage Tank Closure and Soil Remediation Report, Grommons Residence, dated December 21, 2000, by KHM Environmental Management, Inc.;

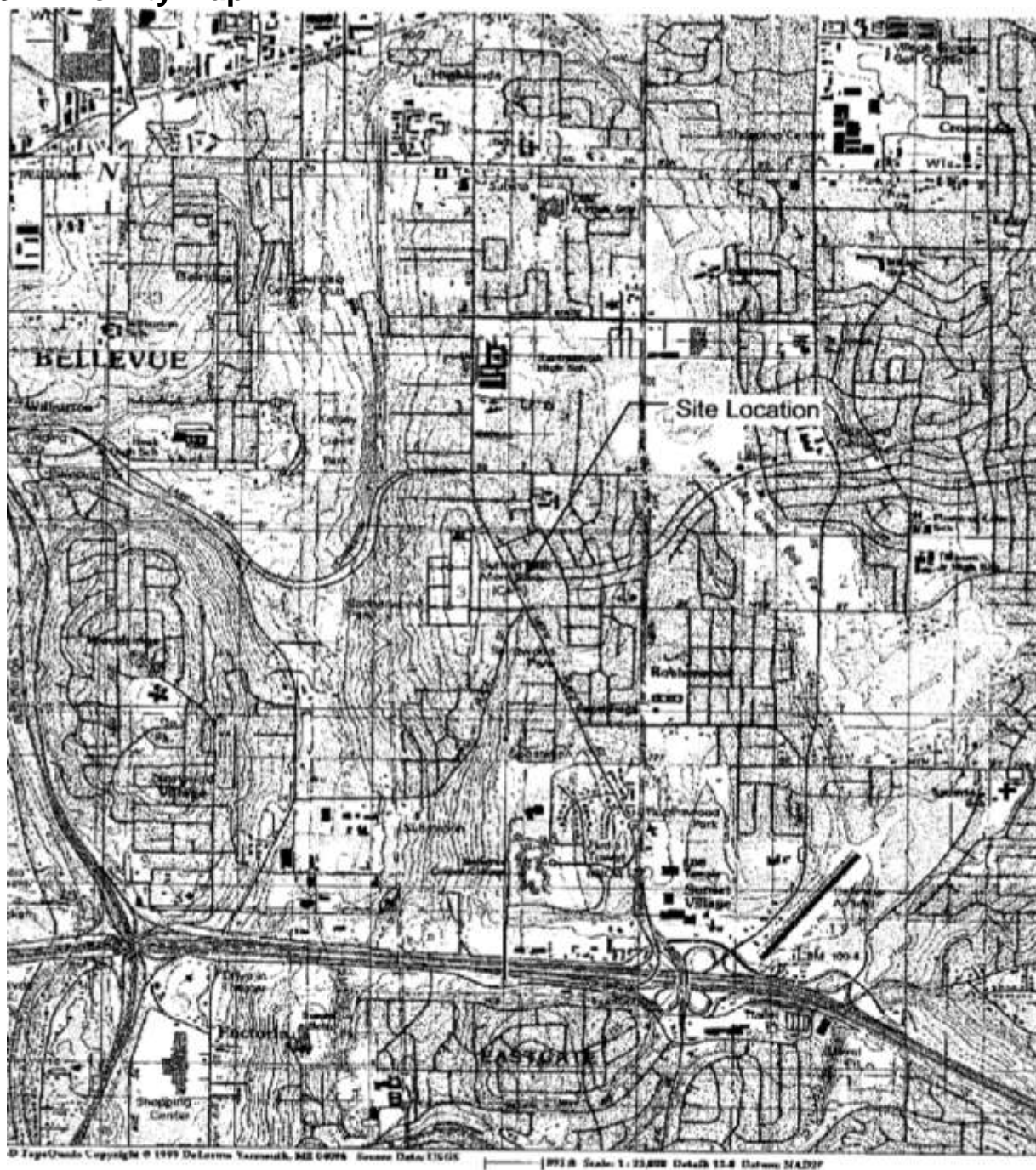
Amended Contaminated Soil Remediation Report and Site Assessment, dated September 29, 2000, by Budget Tank Removal Services, Inc.;

2002 Restrictive Covenant;

Ecology, 2010, Site Visit.

6.0 APPENDICES

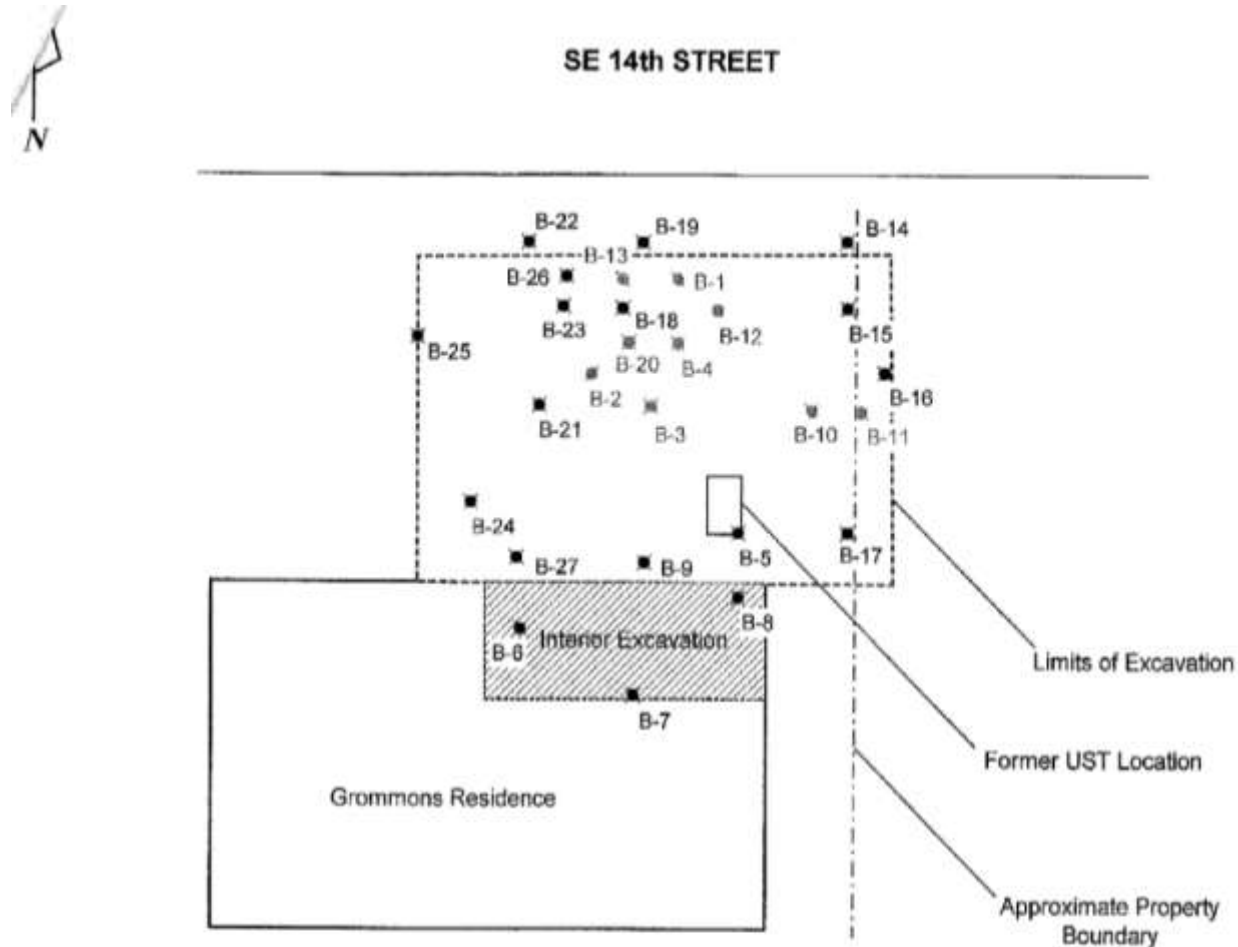
6.1 Vicinity Map



Site Location Map

Grommons Residence
14209 SE 14th Street
Bellevue, Washington

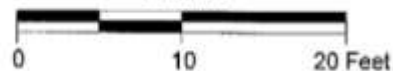
6.2 Site Plan



LEGEND

- Soil Sample Location (Remaining Soil)
B-14
- ▣ Soil Sample Location (Removed Soil)
B-3

SCALE



KHM ENVIRONMENTAL MANAGEMENT.	Site Plan and Soil Sample Locations
	Grommons Residence 14209 SE 14th Street Bellevue, Washington

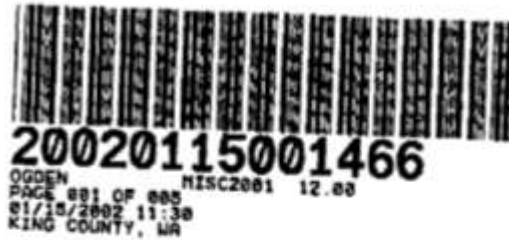
6.3 TPH-Dx Concentration Map

not available

6.4 Environmental Covenant

When Recorded Return To:

Tod A. Gold
OGDEN MURPHY WALLACE, P.L.L.C.
1601 Fifth Avenue, Suite 2100
Seattle, Washington 98101-1686
(206) 447-7000 – Fax (206) 447-0215



DOCUMENT TITLE: Restrictive Covenant
COVENANTOR: Brian Grommons
COVENANTEE: Washington State Department of Ecology
LEGAL DESCRIPTION: Parcel Number 2207100625, Lot 7, Block 11 of the Eastgate Hills, Evergreen Addition Plat.
REFERENCE NUMBER: N/A
ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER: 220710062500

2002 011 5001466

RESTRICTIVE COVENANT BRIAN GROMMONS' RESIDENTIAL PROPERTY

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by BRIAN GROMMONS, his successors and assigns (hereafter "Grommons"), and the STATE OF WASHINGTON DEPARTMENT OF ECOLOGY, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following document: Underground Storage Tank Closure and Soil Remediation Report, dated December 21, 2000, prepared by KHM Environmental Management, Inc. This document is on file at Ecology's Northwest Regional Office. The Remedial Action

(TAG496994.DOC;1/00366.000740/)

resulted in the removal of over 514 tons of contaminated soil from the Grommons property and the adjacent property.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of heating oil (or total petroleum hydrocarbons – diesel) in soil that exceeded the Model Toxics Control Act Method A Residential Cleanup Level for soil established under WAC 173-340-900, Table 740-1. The impacted soil remaining at the property is estimated to be less than ten cubic yards.

The undersigned Grommons is the fee owner of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows: Parcel Number 2207100625, Lot 7, Block 11 of the Eastgate Hills, Evergreen Addition Plat.

Grommons makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. a. A portion of the Property contains heating oil-contaminated soil located beneath the northeastern corner of the house and beneath the north-central portion of the yard. The Owner shall not alter, modify, or remove the existing structure(s) in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

b. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that is buried beneath clean soil, or creates a new exposure

pathway, is prohibited. Some examples of activities that are prohibited in the capped area include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capacity, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

Section 2. Any activity on the Property that may interfere with the integrity of the house or clean soil located above the contaminated soil and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to humans and/or the environment of contaminated soil that remains on the Property, or creates a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the property shall be consummated by the Owner without adequate and complete provision for continued monitoring (*i.e.*, visual inspection) and maintenance of the house and clean soil located above the contaminated soil.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purposes of: evaluating the Remedial Action; taking

samples; inspecting remedial actions conducted at the Property; and inspecting records that are related to the Remedial Action.

Section 8. The Owner reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. Such an instrument, however, may be recorded only if Ecology concurs after public notice and opportunity for comment.

COVENANTOR


BRIAN GROMMONS

DATE: 12/20/01

2002 011 5001455

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Brian Grommons is the person who appeared before me, and said person acknowledged that he was authorized to execute the instrument and acknowledged it to be a free and voluntary act for the uses and purposes mentioned in this instrument.

SUBSCRIBED AND SWORN TO before me this 20 day of December, 2001.

Consuelo Avalos Galer
(Signature of Notary)

CONSUELO AVALOS GALER
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State of
Washington, residing at Edmonds

My Appointment Expires: 9/24/08



2002 011 5001455

6.5 Photo log

Photo 1: Front of residence - from the north, SE 14th Street, Bellevue



Photo 2: Close-up of address, front door



Photo 3: General area of excavation at northeast corner of the residence

